



MEMO ENDORSED

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*Admitted in New York
District of Columbia
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December 29, 2023

VIA ECF

The Hon. Judge Valerie E. Caproni
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

USDC SDNY
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Re: M.L. et al., v. New York City Dep't of Educ., 23-CV-6836 (VEC)

Dear Judge Caproni:

We represent Defendant in the above-referenced action wherein Plaintiff seeks attorneys' fees, costs and expenses for legal work on administrative hearings under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400, et seq., as well as for this action.

After the parties began settlement negotiations, it came to Defendant's attention that one of Plaintiff's billing attorneys on this matter, a Roller firm associate, is apparently subject to a material conflict based on his previous employment at the Department of Education. We are investigating this issue, which affects our current evaluation of the attorney's fees sought, and as a result we have had to withdraw a settlement offer. In order to provide sufficient time to evaluate this conflict issue and its effect on the fee claim, we respectfully request a stay of this action and an extension of time to file an Answer which is currently due December 29, 2023 [Dkt No. 23], as well as an adjournment of the initial conference currently scheduled for January 19, 2024 [Dkt. No. 25] until after February 28, 2024. (We note that Your Honor had granted/denied in-part our last request to adjourn the initial conference [Dkt. No. 25] and make this application under exceptional circumstances warranting additional time to work through this issue before burdening Your Honor's time with a conference).

We requested Plaintiff's consent to these requests earlier today but as of the filing of this letter have not received a response; due to the holiday and travel strain on calendars generally, we believe it most courteous to file this application today.

Additionally, prior to and on December 21, 2023, we informed Plaintiff's counsel that we require the retainer agreement/s for unsettled cases, but to date that has not been provided. We have again today requested that counsel provide the relevant retainer agreement/s for the representation at issue in this fees action.

Accordingly, Defendant respectfully requests that the Court:

- (1) Stay this action and permit an extension of time for Defendant to answer until the issue has been resolved, with a joint status letter due on or before February 28, 2024;



- (2) Adjourn the initial conference currently scheduled for January 19, 2024 until a date convenient for the Court after February 28, 2024.

Thank you for considering these requests.

Respectfully submitted,

/s/
Vivian Rivera Drohan

cc: Irina Roller, Esq. (via ECF)

Application GRANTED IN PART. Given the need for the parties to resolve a conflict issue, Defendant's deadline to answer the Complaint is extended *nunc pro tunc* from Friday, December 29, 2023, to **Friday, January 26, 2024**. The parties' deadline to file a joint status letter, which should address the status of the conflicts issue and settlement discussions, and a joint proposed case management plan is extended from Thursday, January 11, 2024, to **Thursday, January 25, 2024**. The initial conference scheduled for Friday, January 19, 2024, at 10:00 A.M. is ADJOURNED to **Friday, February 2, 2024, at 10:00 A.M.**

The Court is highly unlikely to grant further extension or adjournment requests absent extraordinarily good cause.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Valerie Caproni', with a stylized flourish at the end.

1/2/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE